

HOUSE BILL NO. 2036

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

5149H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 610, RSMo, by adding thereto one new section relating to charities partnering with government entities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 610, RSMo, is amended by adding thereto one new section, to be known as section 610.350, to read as follows:

610.350 1. For purposes of this section, the following terms mean:

(1) "Government entity", any agency, board, council, department, district, division, office, or organization of the state or a political subdivision thereof and any elementary or secondary education public school;

(2) "Charitable organization", any organization whose purpose is to provide help or moneys for those in need and that is exempt from federal income tax under 26 U.S.C. 501(c)(3). Charitable organization shall not include a religious charity or a religious organization performing charity;

(3) "Open records", financial documents of a charitable organization including, and limited to, all:

(a) Donation and fund-raising records of the current and immediately preceding calendar year, including the amounts raised; the name of donors, if known; and the date such amounts were received;

(b) Receipts and expenses of the current and immediately preceding calendar year;

(c) Recipients of charitable help or moneys of the current and immediately preceding calendar year;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (d) Salary, benefits, and other compensation paid to its employees in the current
18 and immediately preceding calendar year; and

19 (e) Tax filings of the past five years;

20 (4) "Partner", cosponsoring a food-drive, fund-raising, or volunteer event or
21 accepting payroll deductions from employees of a government entity.

22 2. No charitable organization shall partner with a government entity unless such
23 charitable organization complies with the disclosure requirements under this section.

24 3. Each charitable organization that partners with a government entity shall, upon
25 request, make available for inspection and copying by the public its open records. No
26 person shall remove original open records from the charitable organization without written
27 permission of the organization.

28 4. Each request for access to open records shall be acted upon as soon as possible
29 but no later than the end of the fifth business day following the date the request is received
30 by the charitable organization. If records are requested in a certain format, the charitable
31 organization shall provide the records in the requested format if such format is available.
32 If access to open records is not granted within five business days, the charitable
33 organization shall give a detailed explanation of the cause for further delay and the place
34 and earliest time and date that the open records will be available for inspection. The
35 period required for document production may exceed five business days for reasonable
36 cause.

37 5. If a request for open records is denied, the charitable organization shall provide,
38 upon request, a written statement of the grounds for such denial. Such statement shall cite
39 the specific provision of law under which access is denied and shall be furnished to the
40 requester no later than the end of the third business day following the date that the request
41 for the statement is received.

42 6. A charitable organization may charge fees for producing open records, but such
43 fees shall not exceed the provisions of section 610.026.

44 7. Any person wrongfully denied access to the open records of a charitable
45 organization may seek judicial enforcement of the requirements of this section. Suits to
46 enforce this section shall be brought in the circuit court for the county in which the
47 charitable organization has its principal place of business or, if a charitable organization's
48 principal place of business is outside of this state, in the circuit court for any county in
49 which the charitable organization operates.

50 8. No charitable organization shall publicly disclose a Social Security number of
51 a living person under this section unless such disclosure is permitted under federal law,

52 **federal regulation, or state law or unless such disclosure is authorized by the holder of that**
53 **Social Security number.**

✓